

ORDINANCE NO. 07-77

ORDINANCE GRANTING A VARIANCE TO ALLOW REPLATTING PROPERTY INTO TWO SUBSTANDARD-SIZED LOTS: LOT 1, HAVING A FRONTAGE OF 81.9 FEET, A DEPTH OF 80 FEET, WHERE AT LEAST 100 FEET ARE REQUIRED, A TOTAL AREA OF 6,406, MORE OR LESS, WHERE AT LEAST 7,500 SQUARE FEET ARE REQUIRED, A SIDE SETBACK OF 5.1 FEET, WHERE 7.5 FEET ARE REQUIRED, AND A REAR SETBACK OF 10 FEET, WHERE AT LEAST 20 FEET ARE REQUIRED, FOR A TERRACE; AND LOT 2, HAVING A FRONTAGE OF 56 FEET, WHERE AT LEAST 75 FEET ARE REQUIRED, A DEPTH OF 80 FEET, WHERE AT LEAST 100 FEET ARE REQUIRED, AND A TOTAL AREA OF 4,478 SQUARE FEET, MORE OR LESS, WHERE AT LEAST 7,500 SQUARE FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-499, 98-501 AND 98-502. **PROPERTY LOCATED AT 3870 EAST 5 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hialeah, Florida at its regular meeting of August 14, 2007 directed the Law Department to provide this ordinance overriding the Planning and Zoning Board's recommendation of denial at its meeting of August 8, 2007.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow replatting property into two substandard-sized lots: Lot 1, having a frontage of 81.9 feet, a depth of 80 feet, where at least 100 feet are required, and a total area of 6,406, more or less, where at least 7,500 square feet are required, a side setback of 5.1 feet, where 7.5 feet are required, and a rear setback of 10 feet, where at least 20 feet are required, for a terrace; and Lot 2, having a frontage of 56 feet, where at least 75 feet are required, a depth of 80 feet, where at least 100 feet are required, and a total area of 4,478 feet, more or less, where at least 7,500 square feet are required, contra to Hialeah Code §

98-499, 98-501 and 98-502, which provide in pertinent part: "The minimum building site in the R-1 one-family district shall be . . . at least 7,500 square feet of area . . . Such parcels or lots shall have an average width of at least 75 feet and shall also have a minimum average depth of 100 feet . . . ", "In the R-1 one-family district, there shall be side yards, the width of each to be not less than ten percent of the average width of the lot, but in no case shall each such side yard be less than five feet one inch or more than 7½ feet in width." And "In the R-1 one-family district, every principal residential building shall provide a rear yard of a minimum depth of 20 feet to a rear lot line . . . ,", respectively. Property located at 3870 East 5 Avenue, Hialeah, Miami-Dade County, Florida, zoned R-1 (One Family District), and legally described as follows:

THE EAST 80 FEET OF TRACT 24-F-A, OF REVISED PLAT OF THE REVISED PLAT OF THE FOURTEENTH ADDITION TO THE CITY OF HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGE 29, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA; TOGETHER WITH THAT PORTION OF THE NORTH ½ OF THE 12-FOOT ALLEY LYING SOUTH AND ADJACENT THERETO, CLOSED PURSUANT TO HIALEAH, FLA., ORDINANCE 94-07 (JAN. 25, 1994), AS RECORDED IN OFFICIAL RECORDS BOOK 18608, PAGE 2227, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person convicted violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having

jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

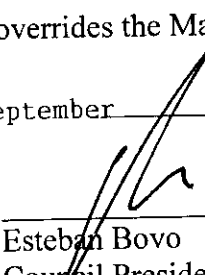
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 11th day of September, 2007.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Esteban Bovo
Council President

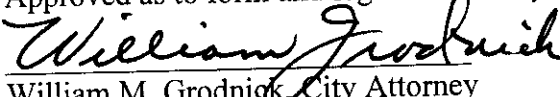
Attest: Approved on this ____ day of _____, 2007.

Rafael E. Granado, City Clerk

MAYOR'S SIGNATURE WITHHELD

Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

Ordinance was passed and adopted by the Hialeah City Council on September 11, 2007 and became effective September 24, 2007 without Mayor's signature.

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes".

This is corrected Ordinance 07-77. A scrivener's error was reported at the City Council meeting of October 14, 2008.